

Transitional Living Facilities

Discussion Draft

Regulations would apply within the City of Lincoln and its 3-mile extraterritorial zoning jurisdiction.

Visit the website at lincoln.ne.gov/city/plan/dev/transitional/index.htm
OR lincoln.ne.gov (keyword: transitional living)

Public Open House

Tuesday, August 25th from 6:00 to 7:30 pm
Attend by videoconference or in-person (video-conference attendees must register).
Location: City Council Chambers, Room 112, City-County Building, 555 S. 10th Street, Lincoln, NE 68508

Public Hearing Schedule

Planning Commission—September 30th
City Council—October 19th (tentative)

What is the subject of the text amendment?

The text amendment would modify the regulations for **alternative to imprisonment facilities**. It is proposed to rename these facilities as **transitional living** to better align with their purpose.

Alternative to imprisonment facilities are currently defined as facilities in which more than three but less than sixteen persons who are unrelated by blood, marriage, or adoption reside under a supervised program of alternatives to imprisonment including, but not limited to, pre-release, work-release, and probationary programs. They provide transitional housing to help the individuals integrate into the community.

Transitional living facilities do not include formal healthcare programs. Rather, the use serves as housing for non-related persons. If formal healthcare programs and treatment were administered, the facility would be considered a residential healthcare facility instead of transitional living. Life safety and building codes enforced through the Building & Safety Department will continue to apply to all transitional living facilities.

State Bill LB605 approved in 2015 expanded the use of probation in lieu of incarceration and increased supervision of offenders with the goals of reducing recidivism and prison overcrowding. The Administrative Office of the Courts and Probation oversees the State of Nebraska's Transitional Living Program. They do not license those facilities fitting the City's definition of transitional living; however, providers go through a review process to ensure they meet minimum guidelines.

The City of Lincoln does not have its own licensing requirements. This draft does not include a licensing component.

Why are changes being proposed?

City of Lincoln Zoning regulations currently allow this use by special permit in the AGR and R-1 through R-8 zoning districts, and by right in the B-4 district. The use would be added to the O-1, O-3, R-T and B-5 districts.

Currently there are no specific conditions for the facilities. The goal is to create a text amendment suited to Lincoln that is in keeping with other communities' regulations. The discussion draft would change this use from requiring a special permit to a conditional use, and expand the zoning districts where allowed. The draft also includes standards for permitting, spacing, number of residents, parking, design standards, and signs. The draft changes are described in detail in the next section. They are being put forth for public discussion and input.

What are the draft zoning changes?

Density.

A maximum number of persons per facility would be set by zoning district. Caps are proposed on the number of persons per dwelling unit and for the overall premises. The lowest density (up to 6 persons per premises) would apply in the R-1 through R-4 districts. The R-5 through R-8 districts would allow up to 12 persons. The highest density (up to 15) is allowed in the commercial districts.

Spacing.

It is proposed that any new facility would have to meet spacing to the following types of group living uses that are similar in nature to transitional living:

Other transitional living facilities	Fraternities and sororities
Domestic shelters	Group homes
Homeless shelters	Residential healthcare facilities (by special permit)

The spacing distances would be 1,000 feet in the AGR and R-1 through R-4 districts and 500 feet in the R-5 through R-8, O-1, O-3, R-T, B-4, and B-5 zoning districts. The proposed distances are approximately half of the spacing required between group homes. The larger spacing distance applied to group homes is not necessary or appropriate for transitional living facilities, as transitional living will need to meet spacing from many more types of uses, whereas group homes only need to meet spacing from one another.

Exhibits are provided on the website demonstrating how the spacing would apply for a proposed transitional living facility in a standard residential block. In order for someone to operate a transitional living facility on the subject property, the pink properties shown on the exhibits that fall within the spacing could not contain any uses listed the table on the previous page.

There is no proposed spacing to daycares, parks or schools, as there is not a reason to apply spacing to them from a land use perspective. Group homes, domestic shelters and other similar uses do not have spacing requirements to parks, schools or daycares, and it would not be appropriate to single out this use in that manner. Limiting the size and number of transitional living facilities in residential areas is the best way to address the land use impacts.

Change the approval from special permitted to conditional.

If a facility met all conditions, the operator could apply for building permits. No public hearing would be required. The reason for making this a conditional use is that the conditions staff decided upon are very specific. They include aspects that are either met or not met, such as number of residents and spacing. In addition, the current requirement to hold a public hearing could result in inconsistent approvals based on factors such as the applicant, neighbor opposition, or the details of the facility. Therefore, hearings would not provide a clear benefit. It is instead proposed to regulate this land use based on the standard conditions described in this discussion draft.

Design Standards.

New principal buildings in the R-1 through R-8 districts would be required to meet Neighborhood Design Standards. This will help to ensure that newly built facilities fit into the neighborhood environment. The Design Standards would not be applied for improvements or changes to existing buildings. They would only apply to new buildings.

Administrative Permit.

An administrative permit approved by the Planning Director would be required in the AGR and R-1 through R-8 districts to provide additional oversight. Permit requirements would include a site plan, floor plan, and conversion plan showing how the facility could be converted to traditional housing after it ceases operating.

Parking.

Minimum parking would be the same standard as group homes (one space per three client or employee residents, plus two spaces per three nonresident employees on the largest shift). A minimum parking standard reduces the chance of overflow parking on local streets.

Signs.

Signs would be prohibited associated with the transitional living facility, as signs are not appropriate or necessary for this residential use.

Questions?

For questions or to register to attend the open house by videoconference, contact Rachel Jones at rjones@lincoln.ne.gov or (402) 441-7603

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